

CHAPTER 215 PROCESS AN AIRMAN FOR REMEDIAL TRAINING

Section 1 Background

1. PTRS ACTIVITY CODES

A. *Maintenance.* 3730

B. *Avionics.* 5730

3. OBJECTIVE. This chapter provides guidance for using remedial training to achieve future compliance by certificated airmen through methods other than punitive legal enforcement action.

5. GENERAL. When a certificated airman commits an inadvertent act of noncompliance, constructive ways should be sought to restore the airman to an appropriate level of competence. Successful remedial training accomplishes this by showing the airman what happened, why it happened, and how to prevent a recurrence. The FAA's Remedial Training program (RT) involves the following:

- Bringing the incident to the attention of the airman in a positive manner
- Ensuring future compliance through improved skills and competence
- Documenting corrective action and providing a source of information for agency use
- Achieving compliance of certificated airmen without the imposition and expense of certificate or civil penalty action

A. *Eligibility.* The Remedial Training program applies to inadvertent violations of the Federal Aviation Regulations by a certificated airman. Aviation Safety Inspectors (ASIs), must determine inadvertency on a case-by-case

basis, based on the investigation of the facts and circumstances of the incident. ASIs must also take into account the airman's past performance and overall attitude toward the incident.

(1) When assessing the airman's eligibility for the Remedial Training program, ASIs must determine if future compliance can be ensured solely through remedial training. For an ASI to establish airman eligibility, the act of noncompliance must meet the following criteria:

- The noncompliance cannot have been deliberate
- The noncompliance cannot have caused an accident
- The noncompliance cannot have indicated a lack of qualification

NOTE: A lack of qualification falls under the FA Act of 1958, as amended, Section 609, and requires airman re-examination. See Vol. 3, Ch. 18, Conduct A Re-examination Test Of An Airman under the FA Act.

- The noncompliance cannot have been caused by gross negligence
- The noncompliance cannot have been of a criminal nature
- The noncompliance cannot have been committed by an employee of an FAA certificated repair station while working under an air carrier approved aircraft inspection program

The noncompliance cannot have been committed by certificate holders who were exercising the privileges of their certificate for compensation or hire in air transportation service

(2) Also, the ASI must review the airman's enforcement history and evaluate whether that history supports or precludes participation in the Remedial Training program. Although, ideally, program candidates should be first time offenders, previous enforcement history does not automatically exclude an airman from the program.

B. Remedial Training Process

(1) After determining airman eligibility, the investigating ASI must make a recommendation for the program to the district Accident Prevention Program Manager (APPM) (or other qualified person designated by the district office manager). The APPM (from the appropriate district or region, when the airman is from another district) is responsible for interviewing the airman and designing, implementing, and monitoring a program that is specific to the airman and the compliance issue.

(2) The airman must complete any agreed-upon Remedial Training program within 120 days of the FAA's becoming aware of the violation. Failure to complete the program within the time limit will result in termination of the airman's participation in the program and initiation of legal enforcement action by the investigating ASI.

NOTE: Unavailability of equipment, airman illness, etc., are conditions for extending the training period. However, the ASI must consider 49 CFR 821.33, the NTSB's "stale complaint" rule.

(3) Once remedial training has begun, there must be a clear distinction made between the investigating ASI and the APPM. The APPM must not be drawn into any aspect of the legal enforcement process, including discussion with the airman of the merits of the case.

(4) After the airman has completed the training program and provided evidence to that effect to the APPM, the APPM informs the investigating ASI of the results. Based on that information the ASI will accomplish one of the following:

- Issue a letter of correction to conclude the case and close out the Enforcement Investigation Report (EIR)
- Initiate legal enforcement action

NOTE: After successful completion of the training course the FAA will discontinue seeking any legal actions against the airman for that violation.

(5) For a detailed description of the Remedial Training program and the role and responsibilities of the APPM, see Order 8740.1, General Aviation Accident Prevention Program, Appendix 7, as amended.

Section 2 Procedures

1. PREREQUISITES AND COORDINATION REQUIREMENTS

A. Prerequisites

- Knowledge of the regulatory requirements of the Federal Aviation Regulations

- Successful completion of the Airworthiness Inspectors Indoctrination Course or equivalent

B. *Coordination.* This task will require coordination with the FSDO Accident Prevention Program Manager (APPM) and the certificated airman.

3. REFERENCES, FORMS, AND JOB AIDS

A. References

- Order 2150.3, Compliance and Enforcement Program, as amended
- Order 8300.10, Airworthiness Inspector's Handbook, Vol. 2, Ch. 210, Introduction to Conducting Accident and Incident Investigations, Processing a Violation Package, and Responding to a Complaint, Ch. 213, Conduct Violation Investigation, and Vol. 3, Ch. 18, Conduct a Re-examination Test of a Mechanic or an Inspection Authorization Under Section 609 of the FA Act of 1958, as amended

B. Forms

- FAA Form 2150-5, Enforcement Investigative Report

C. Job Aids. None.

- Acquiring witness statements
- Reviewing technical documents, e.g., manufacturers maintenance manuals, aircraft flight manuals, etc.
- Interviewing the alleged violator
- Acquiring technical information from other agencies, e.g., National Weather Bureau and Air Traffic Control
- Inspecting physical evidence

C. Analyze the Supporting Evidence

(1) Review the data collected to ensure that it is relevant, material, and competent.

(2) Review the regulations in conjunction with the items of proof. Ensure that the following questions are answered for each relevant regulation:

- To whom does it apply
- What does it say in its entirety
- When must it be accomplished
- How does it apply in this occurrence
- Are there special conditions
- Are there exceptions or exclusions
- Does this regulation clearly apply
- Are any other regulations applicable to this violation

5. PROCEDURES

A. Initiate the Investigation of the Alleged Violation

(1) Receive notification of the violation.

(2) Write a letter of investigation. Ensure that the letter includes a statement of what the alleged violation consisted and the assigned EIR number.

NOTE: The regulation(s) violated should not be listed in the letter of investigation

B. *Gather the Supporting Facts.* Gather all related information. This can be accomplished by:

- Reviewing records
- Taking photographs of items associated with the alleged violation

(3) After this analysis and review, determine if the evidence warrants recommending the airman for the Remedial Training program.

D. *Process an Applicant for Remedial Training.* Ensure that all eligibility factors are thoroughly documented and proceed with administrative enforcement actions.

(1) As a part of the administrative enforcement action, inform the alleged violator, in the Letter of Investigation (LOI), of being eligible for the Remedial Training program.

(a) Ensure that the alleged violator understands the necessity of responding within the response period as specified in the LOI.

(b) If the alleged violator is cooperative and responds within the specified time, contact the APPM in the airman's geographic area of responsibility.

(2) Advise the APPM of all facts, conditions, and circumstances surrounding the alleged violation, to include sending a copy of the investigation file. The responsibilities of the APPM will include the following:

(a) Scheduling a meeting with the alleged violator

(b) Making a final determination of airman eligibility

(c) Creating a course of study based on the following:

- Circumstances of the alleged violation
- Probable strengths and weaknesses of the airman
- Availability of training resources

NOTE: No discussion of the legal aspects of the alleged violation or merits of the case should take place between the airman and the APPM.

(d) Finalizing an agreement, in writing, that acknowledges the act of noncompliance and outlines the terms and conditions of the remedial training agreement. This must be signed by both the APPM and the airman.

(e) Including in the investigation file the documentation of proof of completion, that consists of the following:

- A statement from the instructor/official of the training establishment
- Documentary proof, such as logbook entries and aircraft or simulator rental invoices, etc.
- A record of discussion with the instructor providing the training, if available
- Any other documentation the APPM feels necessary

(f) Notifying the investigating ASI of the results of the remedial training and returning the complete investigation file

7. TASK OUTCOMES

A. *File PTRS Transmittal Form*

B. Upon notification by the APPM of either completion or termination of the remedial training, accomplish one of the following:

(1) If the Remedial Training program was successfully completed:

- Send a letter of correction to the participant. See Order 2150.3, Compliance and Enforcement Program, as amended
- Process the enforcement investigation report per Order 2150.3, as amended

(2) If the Remedial Training program was not finished, unsatisfactorily completed, or was not even started due to a decision by either the airman or APPM:

- Send a letter of rescission to the airman rescinding the airman's privilege to participate in the program

- Resume the process of legal enforcement action. See Vol. 2, Ch. 213, Conduct Violation Investigation

C. *Document Task.* File all supporting paperwork in accordance with Order 2150.3.

9. FUTURE ACTIVITIES. Follow up on requests from Region, Regional Counsel, etc.

